

# ***EXHIBIT 4***



AHMED ELZEIN vs ASCENSION GENESYS HOSPITAL  
PAWLACZYK, BARBARA 10/13/2023

Job 26456

<p style="text-align: right;">Page 1</p> <p style="text-align: center;">UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF MICHIGAN</p> <hr/> <p>AHMED ELZEIN, Plaintiff, Case No. 22-cv-12352 v Hon. Sean F. Cox ASCENSION GENESYS HOSPITAL, Magistrate Judge: Defendant. Curtis Ivy, Jr.</p> <hr/> <p style="text-align: center;">DEPOSITION OF: BARBARA PAWLACZYK (VIA ZOOM)</p> <p>DATE: October 13, 2023 TIME: 2:12 p.m. LOCATION: Fortz Legal Support, LLC 25 Division Avenue South, Suite 325 Grand Rapids, Michigan REPORTER: Kelly M. Kane, CSR-1470</p>	<p style="text-align: right;">Page 3</p> <p style="text-align: center;">I N D E X</p> <p>1 2 WITNESS: PAGE 3 BARBARA PAWLACZYK 4 Examination by Mr. Stempien 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p> <p style="text-align: center;">E X H I B I T S</p> <p>NUMBER PAGE Deposition Exhibit Number 5 78 Deposition Exhibit Number 11 69 Deposition Exhibit Number 12 55 Deposition Exhibit Number 14 61 Deposition Exhibit Number 16 43 (Exhibits were retained.)</p>
<p style="text-align: right;">Page 2</p> <p>1 APPEARANCES: 2 3 STEMPIEN LAW, PLLC 4 BY: Eric Stempien (P58703) 5 38701 Seven Mile Road, Suite 130 6 Livonia, MI 48152 7 (734)744-7002 8 Eric@stempien.com 9 On behalf of Plaintiff 10 11 JACKSON LEWIS, P.C. 12 BY: Daniel C. Waslawski (P78037) 13 2000 Town Center, Suite 1650 14 Southfield, MI 48075 15 (248)936-1900 16 On behalf of Defendant 17 18 19 20 21 22 23 24 25</p>	<p style="text-align: right;">Page 4</p> <p>1 Grand Rapids, Michigan 2 October 13, 2023; 2:12 p.m. 3 * * * 4 COURT REPORTER: Counsel, before I swear in the 5 witness do you agree that I can administer the oath 6 although I am in a remote location from the witness? 7 MR. STEMPIEN: For Plaintiff, no objection. 8 MR. WASLAWSKI: Dan Waslawski for Defendant, 9 agreed. 10 BARBARA PAWLACZYK, MD, 11 having been first duly sworn to tell the truth, the whole 12 truth, and nothing but the truth, was examined and 13 testified as follows: 14 E X A M I N A T I O N 15 BY MR. STEMPIEN: 16 Q. Ma'am, would you please state and spell your full name? 17 A. Barbara Pawlaczyk. So it's B-a-r-b-a-r-a, and my last name 18 is, P, like Peter, a-w-l-a-c-z-y-k. 19 MR. STEMPIEN: Let the record reflect that this is 20 the discovery deposition of Dr. Barbara Pawlaczyk, taken 21 pursuant to Notice, to be used for all purposes allowed 22 under the Rules of Procedure and the Rules of Evidence. 23 BY MR. STEMPIEN: 24 Q. Dr. Pawlaczyk – I'm going to butcher it, and I'm Polish so 25 I should be able to get this right, but somehow I –</p>

Page 25

- 1 Q. Is it that you just don't recall what he told you?
- 2 A. I don't recall detailed conversation with him.
- 3 Q. Well, did Dr. Vogel tell you that he thought that Dr. Elzein
- 4 needed to go to the emergency room?
- 5 A. He said that would be beneficial for him to go to the
- 6 emergency room.
- 7 Q. Okay. And that's what I asked you before. What did he tell
- 8 you about Dr. Elzein's mental health?
- 9 A. Are you asking me -- I'm not sure if -- are you asking me
- 10 for his recommendations or his opinion about Dr. Elzein's
- 11 mental health? Like I'm not really sure of -- what are you
- 12 asking me right now.
- 13 Q. I'm asking you what Dr. Vogel told you. That's all I'm
- 14 asking you.
- 15 A. Well, so he said that will be beneficial for Dr. Elzein to
- 16 go to the emergency room to be evaluated.
- 17 Q. Do you recall anything else that Dr. Vogel told you?
- 18 A. If I recall correctly he said that he didn't know him that
- 19 well.
- 20 Q. That's just a couple too many pronouns, he and him.
- 21 A. Okay.
- 22 Q. So you're saying Dr. Vogel said -- and if I were to use
- 23 quotes, he said, "I don't know Dr. Elzein very well." Is
- 24 that what Dr. Vogel told you?
- 25 A. That's correct.

Page 27

- 1 agreement. He asked us to -- he was in agreement to go to
- 2 the emergency room; however, he said that he would like one
- 3 of his friends to go to the emergency room together with
- 4 him, so he wanted to make a phone call. So we -- Dr. Baj,
- 5 she lent him a charger, because he wanted to charge his
- 6 phone, and then he called his friend. Or I don't know who
- 7 he called, but he called someone.
- 8 And when he came back to the table he said that he
- 9 would not go to the emergency room, that his friend advised
- 10 him not to go to the emergency room.
- 11 Q. And what did you tell him in response to that?
- 12 A. I told him that it would be in his best interest to go to
- 13 the emergency room because we were concerned about his
- 14 well-being, and we asked him why did he change his decision.
- 15 Q. And what did he tell you?
- 16 A. He said that his friend advised him not to go. He would not
- 17 give us any more explanation.
- 18 Q. And what did you do in response to that?
- 19 A. Again, we tried to -- we tried to continue the conversation
- 20 and tell him that it's in his best interest to be checked
- 21 and evaluated in the emergency room.
- 22 Q. And what happened when you did that?
- 23 A. He wanted to call his friend again. Because I think he
- 24 called him twice. And once he came back he said still that
- 25 he didn't want to go.

Page 26

- 1 Q. Okay. What was your understanding of what he was saying to
- 2 you with that statement?
- 3 A. What was my understanding of --
- 4 Q. Yes. So when Dr. Vogel said to you, "I don't know him very
- 5 well," what was your understanding of what he was saying to
- 6 you with that statement?
- 7 A. That it would be for Dr. Elzein's benefit to be evaluated in
- 8 the emergency room.
- 9 Q. Do you know if Dr. Vogel created any kind of written record
- 10 as a result of his interview with Dr. Elzein that day?
- 11 A. Not that I'm aware of.
- 12 Q. Did you ever hear Dr. Vogel tell Dr. Elzein that he should
- 13 go to the emergency room?
- 14 A. I don't recall hearing that.
- 15 Q. Did Dr. Vogel leave the area then after you had this
- 16 conversation with him?
- 17 A. Yes.
- 18 Q. Was Dr. Baj with you when Dr. Vogel made these statements to
- 19 you?
- 20 A. I don't know if she -- she was with me all the time, but I
- 21 don't know if she was -- I don't recall if she was next to
- 22 me when Dr. Vogel and I had this discussion.
- 23 Q. After Dr. Vogel leaves, what happens next?
- 24 A. At the beginning, when we said -- when we asked Dr. Elzein
- 25 to go to the emergency room to be checked, he was in

Page 28

- 1 Q. And what action, if any, did you take as a result of that?
- 2 A. So I called Dr. Vosburgh, who is an associate employee,
- 3 associate health employee, seeking his advice on the next
- 4 steps.
- 5 Q. And what did Dr. Vosburgh tell you?
- 6 A. Dr. Vosburgh advised me to take Dr. Elzein to the emergency
- 7 room.
- 8 Q. Despite his refusal to go?
- 9 Did you -- well, let me just ask you, did you tell
- 10 Dr. Vosburgh that Dr. Elzein said he did not want to go to
- 11 the emergency room?
- 12 A. That's correct.
- 13 Q. And Dr. Vosburgh said to take him there anyway, correct?
- 14 A. Yes.
- 15 Q. Why did you include Dr. Vosburgh in this situation?
- 16 A. Dr. Vosburgh -- I called him because he already was familiar
- 17 with Dr. Elzein's underperformance.
- 18 Q. As far as you know is Dr. Vosburgh a psychiatrist?
- 19 A. No.
- 20 Q. Is he a mental health professional in any way?
- 21 A. No.
- 22 Q. Do you believe he was at all qualified to make that call as
- 23 to whether he should go to the emergency room?
- 24 A. Yes.
- 25 Q. Did Dr. Vosburgh talk to Dr. Elzein?

7 (Pages 25 to 28)

Page 29

1 A. At that time or --  
 2 Q. Right, at the table, I mean, when you guys are still in the  
 3 food court.  
 4 A. Not that I'm aware of.  
 5 Q. All right. So after Dr. Vosburgh says take Dr. Elzein to  
 6 the emergency room, what happened?  
 7 A. I continued -- Dr. Baj and I continued conversation with  
 8 Dr. Elzein, trying to convince him to go to the emergency  
 9 room for his own safety, because we were concerned about his  
 10 safety.  
 11 So Dr. Vosburgh told me that if Dr. Elzein would  
 12 not like to go by himself then I should call for some  
 13 assistance, maybe from the security, that would help me to  
 14 escort Dr. Elzein to the emergency room.  
 15 Q. Did Dr. Vosburgh have the authority to have somebody  
 16 involuntarily taken to the emergency room?  
 17 MR. WASLAWSKI: Objection, lack of foundation.  
 18 You can go ahead and answer, Doctor.  
 19 THE WITNESS: Did you say that's okay for me to  
 20 answer?  
 21 MR. WASLAWSKI: Yes, you can answer, you can  
 22 answer.  
 23 THE WITNESS: Okay. Thank you.  
 24 I'm not aware of Dr. Vosburgh's privileges, if I  
 25 may call it this way.

Page 31

1 it needed to be done forcibly. That was the reason that you  
 2 wanted to include security, correct?  
 3 A. I wanted to get -- I wanted security to assist if needed.  
 4 But what that assistance would entail, I don't know.  
 5 Q. What did you tell the security guard at the entrance?  
 6 A. I asked them to -- I did tell them that we may need help to  
 7 escort Dr. Elzein to the emergency room.  
 8 Q. What action, if any, did security take as a result of that  
 9 request?  
 10 A. They just -- they just approached -- they were nearby the  
 11 table where we were sitting, but they -- basically they were  
 12 standing up close to other people.  
 13 Q. How many security guards?  
 14 A. If I recall correctly there was one, I think there was one.  
 15 Q. Did that security guard interact with Dr. Elzein, that you  
 16 saw?  
 17 A. Not that I recall, no.  
 18 MR. WASLAWSKI: Eric, when you finish up this line  
 19 of questioning regarding security can we just take a brief  
 20 five-minute break?  
 21 MR. STEMPIEN: Yes, that's a good idea.  
 22 BY MR. STEMPIEN:  
 23 Q. All right. So what happened once the security guard came  
 24 over to the table?  
 25 A. We continued our conversation with Dr. Elzein, because at

Page 30

1 BY MR. STEMPIEN:  
 2 Q. Dr. Pawlaczyk, do you have the authority to have Dr. Elzein  
 3 taken to the emergency room against his will?  
 4 A. I think that I have responsibilities for my residents and  
 5 for their safety and their well-being.  
 6 Q. And you did in fact call security, correct?  
 7 A. I'm sorry?  
 8 Q. You did in fact call security, right?  
 9 A. There was a security officer at the entrance, and so I asked  
 10 for assistance.  
 11 Q. Right. You went to security and brought them into the  
 12 situation, correct?  
 13 A. Yes.  
 14 Q. And were you prepared, if necessary, to have Dr. Elzein  
 15 forcibly taken to the emergency room?  
 16 A. I didn't know what to expect.  
 17 Q. What was the purpose of having security come over to  
 18 Dr. Elzein?  
 19 A. To escort him to the emergency room if needed.  
 20 Q. Forcibly, correct?  
 21 A. I don't know.  
 22 Q. Okay. People don't normally have to have security escort  
 23 them to the emergency room, correct?  
 24 A. I don't -- I'm sorry, I don't know.  
 25 Q. Well, the reason to include security was because -- in case

Page 32

1 times he appeared like he was willing to go to the emergency  
 2 room and at times it looked like he did not.  
 3 Q. Okay. I understand. So you had that conversation, and then  
 4 what happened while you were continuing to talk to him? At  
 5 some point did he agree to go?  
 6 A. Yes, he did.  
 7 Q. And that was at a time when the security guard was already  
 8 standing over by the table, correct?  
 9 A. Not -- the security guard was maybe like three or five feet  
 10 away. So he was not standing, like, right at the table.  
 11 Q. Do you know if Dr. Elzein saw the security guard come over  
 12 to the table?  
 13 A. I think he did.  
 14 Q. Once he agreed to go to the emergency room did you then take  
 15 him over to the emergency room?  
 16 A. Yes.  
 17 Q. And who was escorting him? Was it just you?  
 18 A. It was me and Dr. Baj.  
 19 Q. Did the security guard go with you?  
 20 A. No.  
 21 Q. Did Dr. Elzein walk under his own power?  
 22 A. Yes.  
 23 MR. STEMPIEN: All right. Why don't we take a  
 24 break here and we can pick it up in about five, seven  
 25 minutes. What time is it? About 3:05. So between five and

8 (Pages 29 to 32)



Page 69

1 Q. Okay. You don't recall whether he said that, but in this  
2 interview either you or Helena told Marney that Dr. Elzein  
3 had not mentioned the hospitalization to employee health,  
4 correct?

5 A. Right.

6 Q. If you could -- we're going to come back to this, but if you  
7 could open Exhibit 11 for me.

8 A. Sure.

9 Yes, I found it and opened it.

10 Q. Okay. If you could take a look at it and just let me know  
11 when you're done.

12 A. (Witness complies.)

13 Yes, I'm done reading.

14 Q. Okay. Have you ever seen Exhibit 11 before?

15 A. No.

16 Q. Did Dr. Elzein give you a copy of this?

17 A. Oh, I'm sorry, I'll take it back. I did -- I did see that  
18 he sent it to me back in December.

19 Q. All right. So a little bit later on he gave it to you?

20 A. Not -- he emailed it to Helena.

21 Q. He emailed it, is that what you said?

22 A. Yes.

23 Q. Okay. So he emailed it. All right. And did Helena show it  
24 to you?

25 A. Yes.

Page 71

1 A. I didn't know.

2 Q. You knew he was in a hospital, you just didn't know which  
3 one, would that be accurate?

4 A. Yes.

5 Q. All right. And so -- but subsequently you've come to know  
6 that that was the hospital where he was an inpatient,  
7 correct?

8 A. Yes.

9 Q. The last sentence of the first paragraph states that he can  
10 return to work on 11/23/20 with no restrictions, correct?

11 A. Yes.

12 Q. All right. So, Doctor, this is a letter from his treating  
13 facility for the condition that he was being treated for  
14 when he was on his medical leave indicating he was cleared  
15 to return to work November 23rd without restrictions,  
16 correct?

17 A. Correct.

18 Q. This letter was insufficient for Ascension to be able to  
19 bring him back, correct?

20 A. Yes.

21 Q. And why?

22 A. Because Ascension requires the letter to be written by a  
23 physician. And also the process that we have at Ascension  
24 Genesys Hospital requires an employee to be seen by  
25 associate health for employee to be cleared to come back to

Page 70

1 Q. And Helena, what was her position in November-December of  
2 '22?

3 A. Program manager.

4 Q. Was she one of your direct reports?

5 A. She works with me but she does not report to me.

6 Q. Is that for internal medicine residency? Is that -- she's a  
7 program manager over internal medicine --

8 A. Yes.

9 Q. -- residency?

10 A. Yes.

11 Q. What's the difference between a program manager and a  
12 program director?

13 A. The program director is a physician who is in charge of  
14 the -- of the program; program manager is the -- provides  
15 administrative support.

16 Q. All right. So this is a letter from Havenwyck Hospital  
17 regarding Dr. Elzein, correct?

18 A. Yes.

19 Q. And Dr. Elzein -- that's where he was treated after he left  
20 the emergency department on November 11th, correct?

21 A. According to the letter, yes.

22 Q. Did you know that he had been hospitalized at Havenwyck  
23 before you saw Exhibit 11 in December?

24 A. No.

25 Q. Nobody told you where he had been hospitalized?

Page 72

1 work.

2 Q. Did you ever tell Dr. Elzein that this letter was  
3 insufficient only because it was signed by a social worker?

4 A. No.

5 Q. Why not?

6 A. I never had a conversation with Dr. Elzein about this  
7 letter. The letter was sent -- was forwarded to us in  
8 December.

9 Q. And by "us" you're referring to you and Helena, correct?

10 A. Yes.

11 Q. Okay. You don't know when Marney might have received it, do  
12 you?

13 A. No.

14 Q. You don't know -- well, do you know if -- were you aware  
15 that Dr. Elzein gave this letter to Dr. Tajour, the  
16 physician at employee health?

17 A. I have -- I don't know.

18 Q. And do you know who Dr. Yoon is that's referenced in  
19 Exhibit 11?

20 A. I don't know her or him. I don't know.

21 Q. It's a him.

22 A. Okay.

23 Q. So what I want you to assume is Dr. Yoon is a psychiatrist  
24 at Havenwyck Hospital.

25 So if this letter had been signed by Dr. Yoon

18 (Pages 69 to 72)